

REMARKS

In the Office Action mailed on May 26, 2006, the Examiner rejected claims 1 – 19. With this Amendment, Applicant has amended claim 10. The application still includes claims 1 – 19.

The Examiner stated that the information disclosure statement filed on March 8, 2004, fails to comply with the provisions of 37 C.F.R. §§ 1.97 and 1.98 and MPEP § 609 because no date is supplied. Applicant submits that the date is stated on the document. Therefore, the information disclosure statement should be acceptable.

CLAIM OBJECTIONS

In the Office Action, the Examiner objected to claim 10 because of various informalities. With this Amendment, Applicant has amended claim 10 in accordance with the Examiner's instructions. Therefore, it is respectfully requested that the objection to claim 10 be withdrawn and that claim 10 be held allowable.

DOUBLE PATENTING

In the Office Action, the Examiner rejected claims 1 – 19 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 10 of U.S. Patent No. 6,840,384 in view of the Ramonowski patent application. With this Amendment, Applicant hereby submits a Terminal Disclaimer to Obviate a Double Patenting Rejection. Therefore, it is respectfully requested that the rejection of claims 1 – 19 under the double patenting rejection be withdrawn and that claims 1 – 19 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

In the Office Action, the rejected claims 1 – 6, 9 – 14, and 16 under 35 U.S.C. § 102(a) or (e) as being anticipated by the Ramonowski patent application.

The Ramonowski patent application was filed on January 24, 2003. The present application has a priority date of December 5, 2003, with a prior invention date of at least January 1, 2003. In accordance with 37 C.F.R. § 1.131, the subject matter of the rejected claims was invented prior to the effective date of the Ramonowski patent application. A Declaration of Prior Invention and Statement are enclosed herewith. Therefore, it is respectfully requested that the rejections of claims

1 – 6, 9 – 14, and 16 under 35 U.S.C. § 102(a) or (e) be withdrawn and that claims 1 – 6, 9 – 14, and 16 be held allowable.

CONCLUSION

In conclusion, Applicant believes that the present application is in condition for allowance. Reconsideration and allowance of claims 1 – 19 are respectfully requested.

Respectfully submitted,

JAMES D. YURKO

By: 

Emery L. Tracy, Reg. No. 34,081
P.O. Box 1518
Boulder, Colorado 80306
Phone: (303) 443-1143 Fax: (303) 443-1415